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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,809	09/21/2000	Santosh P. Abraham	3-52-2-6	8916

7590 09/21/2004
John E. Curtin, Esq.
1660 International Drive
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EXAMINER

SHEW, JOHN

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,809

Applicant(s)

ABRAHAM ET AL.

Examiner

John L Shew

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 10-15 is/are allowed.
- 6) ☒ Claim(s) 6 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. Chen discloses a method for use in a wireless network element (FIG. 2, column 1 lines 12-17) referenced by Universal Mobile Telecommunication System element MT 30, comprising the steps of formatting data into a data frame (column 1 lines 21-27) in the incorporated by reference RFC2205 description of RSVP format, the data frame comprising a header portion (RFC2205 page 32 section 3.1.1) referenced by figure of common header structure, a payload portion (RFC2205 page 33 section 3.1.2) referenced by object format structure and a quality of service field associated with the payload portion (RFC2205 page 35 lines 7-9) referenced by object FLOWSPEC defining a desired QoS, transmitting the data frame to another node of the wireless

network (FIG. 1, column 1 lines 28-36) referenced by transmission from node Tx 10 to node Rx 12. The RSVP packet data is transmitted inclusive of the FLOWSPEC object defining an associated desired QoS.

Allowable Subject Matter

1. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2. Claims 1-5 and 10-15 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-5 and 10-15 has the limitation of the incorporation of a quality of service field within the UTRAN specification fields. The prior art search did not disclose such a limitation. The prior art search disclosed a UMTS method by which quality of service is determined through negotiation using RSVP protocol. The quality of service factor is established for traffic flow messages and is transparent through the UTRAN network. Prior art by Pohjanvouri et al. disclosed QoS classes on a UMTS system used by mobile stations in modifying packet throughput. Prior art by Widegren et al. discloses UMTS system with quality of service parameters associated with an access bearer.

The parameters describe how UTRAN should handle the data stream but not explicitly

inclusion of the QoS parameters. Prior art by Kalliokulju et al. discloses QoS attributes negotiated and activated to adjust the bit rates.

Response to Arguments

1. Applicant's arguments filed 07/08/2004 have been fully considered but they are not persuasive.

Regarding the argument traversing the rejection of Claim 6, the limitation "a quality of service (QoS) field associated with the payload portion" identifies an association. The unique association is not specified. The payload portion carries valued data connected to the traffic requirements of the packet. Chen associates this traffic requirement characteristic in terms of quality of service requested by Flowspecs (column 1 lines 28-36). The claims do not specifically recite that the QoS is on a "per-payload" basis.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Shew whose telephone number is 571-272-3137. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

js

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